

Remarks

This communication is considered fully responsive to the Office Action. Claims 1-24 were examined. Claims 1-24 stand rejected. Claims 13, 14, and 23 are amended. No claims are canceled. No new claims have been added. Reexamination and reconsideration of the pending claims are respectfully requested.

Entry of Amendments

Claims 13 and 14 are amended to correct typographical errors. A clarifying amendment is made to claim 23 to address the Examiner's comments. Applicant respectfully requests entry of these amendments in order to put the application in condition for allowance or in better condition for appeal.

Claim Rejections - 35 U.S.C. 102(e)

The Office Action rejected claims 23 and 24 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,928,230 to Squibbs ("Squibbs"). Applicant respectfully traverses this rejection.

Claim 23 is amended to clarify the recitation "generating inference metadata by searching electronic information databases using at least a portion of the image metadata." Squibbs does not disclose at least these recitations.

The Office Action states on page 3 that "semantic location data is assigned to the image by a user and the information has to come from some sort of database, even if that database is only information contained in the

memory of the user.” The amendment clarifies that the database is not the memory of the user.

The Office Action also noted that claim 23 does not specify what the confidence factor is used for. Claim 23 is also amended to clarify the recitation “calculating a confidence factor relating to the matched inference metadata to rate how closely the inference metadata matches the captured image” (emphasis added).

Squibbs does not disclose at least these recitations.

The Office Action states that “the user would implicitly calculate a confidence factor relating to how confident they are that the data they select is correct.” By rejecting these recitations as being inherently disclosed, the Office Action is admitting that the recitations are not expressly shown in the cited references. Applicant agrees with this admission. However, the Office Action erroneously relied on inherency as the only evidence for rejecting these recitations in claim 23. Applicant respectfully traverses this position.

In order to support a rejection based upon the inherent limitations that are not expressly disclosed in a prior art reference, more than a summary statement that the recitations are inherent is required. It must be shown that the undisclosed information was known by those of ordinary skill in the art to be present in the reference. *Rosco, Inc. v. Mirror Light Co.*, 304 F.3d 1373, 1380 (Fed. Cir. 2002).

Applicant contends that the claim recitations are not inherent in the cited references or otherwise considered common knowledge to those having ordinary skill in the art. As discussed above, the Office Action inferred that the

“information has to come from some sort of database, even if that database is only information contained in the memory of the user.” If the user is assigning a user-meaningful location description (e.g., Eiffel Tower as referred to in Col. 4, lines 40-43) to the photo, the user is basing this decision on their personal knowledge of the image and not based on having calculated a confidence factor.

If this rejection is maintained on a similar basis in a subsequent action, Applicant respectfully requests the Examiner provide affidavit evidence beyond a mere conclusionary statement to support this modification of the cited reference. “When a rejection in an application is based on facts within the personal knowledge of an employee of the office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee. . . .” 37 CFR §1.104(d)(2).

For at least the foregoing reasons claim 23 is believed to be allowable over the cited references.

Claim 24 depends from claim 23, which is believed to be allowable. Therefore, claim 24 is also believed to be allowable for at least the same reasons as claim 23.

In addition, claim 24 further recites “storing an identity of a person supervising the match.” The Office Action relies on the USER ID shown in Figure 4 as disclosing this recitation. However, the USER ID is described in Col. 4, lines 19-21 and 44-67 as being the camera user who took the picture, and is similar to other meta data for a particular photo, such as, e.g., the

Date/Time Taken. There is no disclosure of the USER ID being a person supervising a match.

Withdrawal of the rejection of claims 23 and 24 is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) - Paolini and Cazier

The Office Action rejected claims 1-6, 8-17, and 19-22 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0114042 to Paolini, et al. ("Paolini") in view of Japanese Patent Publication No. 2002-051282 using corresponding U.S. Patent No. 6,657,661 to Cazier as a translation ("Cazier"). Applicant respectfully traverses this rejection.

Claim 1 recites "displaying the image inference information for user selection." The combination of Paolini and Cazier fail to teach or suggest at least these recitations.

The Office Action admits that at least these recitations are not taught by Paolini. Instead, the Office Action cites to col. 3, lines 61-65 and col. 1, lines 58-61 in Cazier. Col. 3, lines 61-65 states "[w]hen the image file information is displayed to the user a GPS database would be accessed and the displayed image file information would include the information from the name of the location and the direction of where the image was captured." Col. 1, lines 58-61 states "[a] digital imaging system that can name the image files it creates by using the name of the location and the direction the camera was facing when the file was created can greatly enhance the users ability to print, share, or display a particular image." Neither of these passages speaks to displaying the

image inference information for user selection. Accordingly, the rejection is improper.

For at least the foregoing reasons claim 1 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 1.

Claims 2-6, 8-11 depend from claim 1, which is believed to be allowable. Therefore, claims 2-6, 8-11 are also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 2-6, 8-11 is respectfully requested.

In addition, claim 2 further recites “receiving one or more inputs from the user identifying selected inference information; and adding the selected inference information to an image file for the image.” Claim 3 further recites “receiving one or more inputs from the user identifying selected inference information; and adding the selected inference information to an inference metadata file linked to the image.” As discussed above, there is no teaching or suggestion of user selected inference information in the cited references. The Office Action states that the search in Paolini is “user controlled.” Paolini does disclose that the decision whether a search for a database of geographic locations is to be made may be in response to user input. But there is no disclosure of the user selecting inference information.

Claim 12 recites “means for displaying the image inference information for user selection.” At least these recitations are not taught by the combination of Paolini and Cazier as discussed above for claim 1. Therefore, claim 12 is

believed to be allowable and Applicant respectfully requests withdrawal of the rejection of claim 12.

Claims 13-17, and 19-22 depend from claim 12, which is believed to be allowable. Therefore, claims 13-17, and 19-22 are also believed to be allowable for at least the same reasons as claim 12. Claims 13 and 14 are also believed to be allowable for the separate reasons discussed above for claims 2 and 3. Withdrawal of the rejection of claims 13-17, and 19-22 is respectfully requested.

Claim Rejections - 35 U.S.C. 103(a) - Paolini and Tsujimoto

The Office Action rejected claims 7 and 18 under 35 U.S.C. 103(a) as being unpatentable over Paolini in view of U.S. Patent No. 6,961,096 to Tsujimoto (“Tsujimoto”). Applicant respectfully traverses this rejection.

Claim 7 depends from independent claim 1 and claim 18 depends from independent claim 12. The independent claims are believed to be allowable for at least the reasons discussed above. Therefore it follows that claims 7 and 18 are also allowable for at least the same reasons as the respective independent claims. Withdrawal of the rejection of claims 7 and 18 is respectfully requested.

Conclusion

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

/Mark D. Trenner/

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By: _____

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